

Decision 02-06-058 June 27, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Xin Xie for authority to control Advanced Airporter, Inc., pursuant to Section 854 of the Public Utilities Code.

Application 02-04-011
(Filed April 8, 2002)

O P I N I O N

Summary

Application of Nasser Fraydouni and Mahnaz Fereidouni (Sellers) to sell and Xin Xie (Buyer) to buy 100% of the shares of stock of Advanced Airporter, Inc. (Advanced) is granted

Discussion

Sellers own all 4,500 shares of the issued and outstanding stock of Advanced. Advanced is authorized by Decision (D.) 93-03-010, as amended, to operate as a passenger stage corporation, (1) on an on-call basis between points in the Counties of San Francisco, San Mateo, Santa Clara, Alameda, Marin, and Contra Costa, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand, and (2) on a scheduled basis between certain hotels in San Francisco, on the one hand, and the City of Sausalito, on the other hand.

Sellers request authority to sell and Buyer requests authority to purchase the 4,500 shares and thereby acquire control of Advanced. The purchase price of \$100,000 is payable at the closing of the Business Stock Sale Agreement, attached as Exhibit A to the application.

Sellers previously were authorized by D. 02-02-021, dated February 7, 2002, to sell all of their shares to Babak Minasazi. In a letter dated April 3, 2002, Sellers stated that Babak Minasazi was not able to fulfill the terms of the sale agreement, so it was terminated and the sale nullified. The authority granted by D.02-02-021 has lapsed since it was not exercised within 90 days of the effective date of the order as required.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 16, 2002.

In Resolution ALJ 176-3086 dated April 22, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3086.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Advanced is authorized to operate as a PSC pursuant to D.93-03-010, as amended.
2. Nasser Fraydouni and Mahnaz Fereidouni own all the issued and outstanding shares of stock of Advanced.
3. Nasser Fraydouni and Mahnaz Fereidouni request authority to sell and Xin Xie requests authority to purchase 4,500, or 100%, of the issued and outstanding shares.
4. The proposed transfer will not be adverse to the public interest.
5. No protest to the application has been filed.

6. A public hearing is not necessary.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed sale of 100% interest in Advanced to Xin Xie should be authorized.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Pursuant to Pub. Util. Code § 851 *et seq.*, Xin Xie (Buyer) is authorized to acquire from Nasser Fraydouni and Mahnaz Fereidouni (Sellers) 100% of the shares of Advanced Airporter, Inc., a corporation.

2. Within fifteen (15) days of the date the transaction closes, buyer shall notify the Commission's Rail Safety and Carriers Division in writing thereof.

3. The authority granted by this order shall lapse unless it is exercised within 90 days of the effective date of this order.

4. This proceeding is closed.

This order is effective today.

Dated June 27, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

GEOFFREY F. BROWN

MICHAEL R. PEEVEY

Commissioners